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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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Richard C. Litman
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington, VA 22215

EXAMINER

WATTS, DOUGLAS D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,658

Applicant(s)

KHOMARI, JEFF

Examiner

Douglas D. Watts

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferraro. Note that Ferraro shows the claimed V-shaped handle with a flexible cartridge that is pivotally mounted to the handle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro in view of Gillette. Applicant claims a V-shaped handle where the arms make up the handle. Gillette shows such a handle with a cross member. Obviously the handle of Gillette is simple than that of Ferraro since it forgoes the addition of a third handle member. Thus one of ordinary skill in the art would obviously use such a two armed design with the device of Ferraro.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro in view of Wexler et al. Applicant adds a gel to the claimed combination with claim 4. Such structure is old as shown by Wexler et al. The advantage is that the gel aids in the shaving process. Obviously an artisan would add such a strip to Ferraro as and for the purpose of Wexler.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro in view of Marcarelli. Applicant now claims that the V-shaped arms are bent forward at their tops by an obtuse angle. This angle is shown by Marcarelli. Many other razors use a similar construction to angle the head relative to the gripping portion of the handle. It thus would have been obvious that an artisan would have added such an angle to the upper part of the V-portion of the handle of Ferraro.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro in view of Andrews. Plastic is a material that has long been used for Razors. This is confirmed by Andrews. Since the selection of material is a task that is usually left to one of ordinary skill in the art the choice of such a well known material would appear to be obvious a showing of unexpected result.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro. Applicant claims textured portions on the cartridge and the handle. Ferraro shows a textured head but not a handle. Texturing handles is notoriously old and would be obvious to use with the handle of Ferraro.

Allowable Subject Matter

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Claims 11-12 are allowed. While many of the claimed features are shown in the cited patents combining many of them to meet the material of claim 11 is not felt to be obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas D. Watts whose telephone number is (703) 308-0153. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shoap can be reached on (703) 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DDW
8/5/04


DOUGLAS D. WATTS
PRIMARY EXAMINER